

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FG SRC LLC,

Plaintiff

v.

C.A. No. 20-cv-601-WCB

XILINX, INC.,

Defendant.

ORDER

On February 18, 2022, the Court entered an interim order to facilitate the resolution of an ongoing discovery dispute between the parties in this case. Pursuant to that order, the parties have updated the Court on the status of their ongoing negotiations regarding the dispute. Having considered the parties' positions, the Court hereby enters the following order to resolve the discovery dispute:

- (1) Xilinx, Inc., ("Xilinx") shall produce by March 7, 2022 its supply agreements (with exhibits, appendices, schedules and amendments) with US customers of the accused products that have generated over \$1 million in revenue since April 1, 2014.
- (2) Xilinx shall produce by March 7, 2022 its supply agreements (with exhibits, appendices, schedules and amendments) for its top ten (by revenue) non-US customers of the accused products since April 1, 2014.
- (3) Xilinx shall produce by March 24, 2022 one exemplary of each form of purchase order and/or invoice for each US customer of the accused products who has generated over \$10 million in revenue since April 1, 2014 to the extent that Xilinx has purchase orders or invoices for the accused products.

(4) Xilinx shall produce by March 24, 2022 one exemplary of each form of purchase order and/or invoice for its top ten (by revenue) non-US customers of the accused products since April 1, 2014 to the extent that Xilinx has purchase orders or invoices for the accused products.

By virtue of this Order, Xilinx shall begin making the productions required by this order on a rolling basis (to be completed by no later than the dates specified in each subpart of this order) regardless of the notice requirements of any confidentiality provisions in the agreements, purchase orders, or invoices and without delaying production to provide notice to the other party in the respective agreements – even if the particular agreement, purchase order, or invoice requires that Xilinx provide notice prior to production. The Protective Order in this case (Dkt. No. 53) will govern any confidential material that Xilinx is required to produce as a result of this order. Xilinx shall appropriately designate any such confidential material according to the terms of the Protective Order.

IT IS SO ORDERED.

Signed this 25th day of February, 2022



William C. Bryson
WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE